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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,738	08/22/2001	Ingo Molnar	019322-000340	9016

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EXAMINER	
CHOUDHURY, AZIZUL Q	
ART UNIT	PAPER NUMBER
2445	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/934,738	MOLNAR, INGO	
	Examiner	Art Unit	
	AZIZUL CHOUDHURY	2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 February 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Detailed Action

This office action is in response to the correspondence received on February 24, 2010.

Withdrawal of Finality

Applicant's arguments within the appeal brief are deemed persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-4 and 9-14 are rejected under 35 U.S.C. 101 because the claims are not limited to tangible embodiments since they do not claim physical articles or objects as part of the claims to establish a statutory category. As such, the above claims are not limited to statutory subject matter and are, therefore, non-statutory.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muthuswamy et al (US Pat No: 6,606,525) in view of Curtis (US Patent No: 6,934,761), hereafter referred to as Muthuswamy and Curtis, respectively.

1. With regards to claims 1, 5, 9 and 11, Muthuswamy teaches through Curtis, in a communication server, a method of responding to a client application, the method comprising the steps of: a cache disposed in an operating system kernel *(Muthuswamy teaches a cache within a client computer; see column 2, lines 19-20, Muthuswamy)*; receiving from the client application an application protocol request *(Muthuswamy teaches the client making a webpage request (application protocol request); see column 3, lines 39-41 and column 4, lines 43-44, Muthuswamy)* corresponding to a response that can be displayed as a combination of a portion of the response that changes and a part of the response that is static *(Muthuswamy teaches the requested webpage is received as a combination of dynamic content (portion of the response that changes) and static content; see column 4, lines 39-46, Muthuswamy)*; creating at the server the portion of the response that changes *(Muthuswamy teaches the dynamic content portion of the webpage being from the server; see column 3, lines 39-41, Muthuswamy)*; sending the portion of the response that changes to the client application *(Muthuswamy teaches the dynamic content portion of the webpage coming from the server; see column 4, lines 42-44, Muthuswamy)* and then retrieving the part of the response that is static from a cache disposed in an

operating system kernel (*a kernel is an inherent part of an operating system and a server inherently has an operating system. Also see Curtis below*); and sending the part of the response that is static to the client application *(Muthuswamy teaches the static content being retrieved from the cache; see column 4, lines 39-46, Muthuswamy).*

While Muthuswamy teaches a system for a dynamic (portion that changes to the application) and static webpage, Muthuswamy does not explicitly recite a "response to a request." In the same field of endeavor, Curtis also teaches a web server design. Within Curtis' disclosure it is taught how a client makes a HTTP request (webpage request) and the server responds to request; see column 2, lines 48-51, Curtis. In particular, the request and response is handled by the cache within the kernel of the server; see column 2, lines 46-51, Curtis. Handling the server requests and responses at the kernel cache level allows for minimum processing resources to be required. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Muthuswamy with those of Curtis to handle web server requests and responses at the kernel cache level with minimum processing resources; see column 2, lines 35-36, Curtis.

2. With regards to claims 2, 6, 10, 13 and 14, Muthuswamy teaches through Curtis the method wherein the cache disposed within the operating system kernel is a

protocol object cache *(see column 3, lines 14-15, Muthuswamy and see column 2, lines 46-51, Curtis)*.

3. With regards to claims 3, 4, 7, 8 and 12, Muthuswamy teaches through Curtis the method wherein the application protocol request and the reply are formatted according to a hypertext transmission protocol (HTTP) *(see within Muthuswamy, Figure 2, element 32 indicates the URL supporting HTTP)*.

4. The obviousness statement applied to claims 1, 5, 9 and 11 are applicable to their respective dependent claims.

Response to Arguments

Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

A 101 rejection has been added due to the claims lacking associations with any physical components. This rejection can be overcome by associating the features within the claims with physical components to establish a statutory category.

Muthuswamy teaches a client server system wherein the client requests a webpage from the server that comprises dynamic (portions that change) and static content. The dynamic content is retrieved from the server whereas the static content is retrieved from the cache. The dynamic and static content are then merged to create the final webpage; see column 4, lines 39-44, Muthuswamy.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445